

**Conflicts Coordinator
Public Defender Commission:**

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Summary of appointment procedure, cost authorization, and payment for conflicts cases

- 1. Determination of conflict and appointment of conflict attorney.** The Regional Deputy Public Defender (RDPD) is the person responsible for determining if a case assigned to the Office of the State Public Defender (OPD) under the Montana Public Defender Act is in conflict with the RDPD staff, contract counsel, existing clients or RDPD supervision of an existing matter. These conflicts are generally outlined in the OPD Standards for Counsel, III.E. When a conflict is determined to exist the RDPD office should cross reference the OPD case number, Defendant and Attorney of all cases in conflict with each other on the OPD appointment Form 1, then fax a copy of the appointment form to the Conflicts Coordinator at 406.327.0771. The RDPD office should then send the case information to the attorney assigned to the conflict case in the region's usual manner.
- 2. Cost Authorization for attorney handling a conflict case.** For now, all costs must be preapproved in conflict cases through the Conflicts Coordinator. Use the preapproval form on the OPD website. Complete the form and fax it to the Conflicts Coordinator at 406.327.0771. If you have questions, call the Conflicts Coordinator at 406.880.0771. The response time for preapproval requests should be about one working day, or two, if the preapproval amount is over \$2,000
- 3. Payment for services and preapproved costs.** See: How do I get paid? Ten Easy Steps posted on the Forms page of the OPD website. For payment for your services, send the summary Contract Attorney claim form (posted on the OPD website) with the case billing detail to the Conflicts Coordinator. The Conflicts Coordinator will review the detail and the summary, approve or deny it, retain the detail and forward the summary to the OPD for payment.

Preapproved costs for conflict cases should be summarized on the Miscellaneous Service Claim Form (posted on the OPD website) with supporting detail attached, and then you should send the same to the Conflicts Coordinator. Your service provider should give you the detail and you, the attorney on the case for which the work was performed, should review the claim before it is submitted to the Conflicts Coordinator. The Conflicts Coordinator will review the detail and the summary, approve or deny it, retain the detail and forward the summary to the OPD for payment.

NOTES:

A. Claims for payment of costs and fees, and the administration of conflict cases are on a separate, but parallel, track from the claims for payment and administration of non-conflict cases. **So, if you are handling both contract and conflict cases, you must segregate your conflict and non-conflict case claims.**

B. One goal in separate administration of conflict and non-conflict cases is to preserve the independence of action of the attorney doing the work. Another goal is to make the administration of cases for the attorney doing the work as simple as possible, while acting in a fiscally responsible manner. Your comments and suggestions in furtherance of these goals are welcome.

Conflict Case Procedure
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